

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION**

DALTON MERRITT	)	CASE NO. 1:21-cv-00067-DRC
	)	
Plaintiff,	)	Judge Douglas R. Cole
	)	
v.	)	
	)	
BASF CORPORATION and GATX	)	
CORPORATION,	)	
	)	
Defendants.	)	
	)	

**MOTION FOR STATUS CONFERENCE**

The undersigned hereby respectfully move this Court to set a Status Conference to address various motions pending before the Court that have been fully briefed and are ripe for adjudication. The grounds for this Motion are set forth below.

Plaintiff filed his Complaint in this matter on January 29, 2021. Defendant BASF Corporation filed a Motion to Dismiss for Failure to State a Claim on June 1, 2021. Plaintiff's Response was filed on June 22, 2021 and Defendant's Reply was filed July 6, 2021.

Defendant GATX filed a Motion for Judgement on the Pleadings on August 11, 2021 and Plaintiff's filed their Response in Opposition on September 1, 2021. Defendant GATX's Reply was filed September 15, 2021. Plaintiff filed his Motion for Leave to File Sur-Reply on September 24, 2021 and Defendant GATX filed their Response in Opposition on October 12, 2021.

This is a personal injury negligence case brought on by a 32-year-old who suffered severe and disabling injuries and any further delay evokes the maxim: justice delayed is justice denied. Accordingly, Plaintiff request for a Status Conference to address whether these motions should be granted.

Dated: October 20, 2022

Respectfully submitted,

/s/ Kevin E. McDermott  
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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served on all parties of record on this 20<sup>th</sup> day of October, 2022, by electronic service upon their counsel of record via the Court's CM/ECF electronic filing system. Additionally, a file-stamped courtesy copy of the foregoing has been mailed to the following via Federal Express:

Hon. Douglas R. Cole  
Judge, United States District Court  
Potter Stewart U.S. Courthouse, Room 810  
100 East Fifth Street  
Cincinnati, Ohio 45202

/s/ Kevin E. McDermott  
KEVIN E. MCDERMOTT (0027813)

Attorney for Plaintiff